

PATENT

Atty. Dkt. No. AVAN/000841.C1

REMARKS

This is intended as a full and complete response to the Office Action dated October 27, 2005, having a shortened statutory period for response set to expire on January 27, 2006. Claim 33 was examined. The Examiner rejected claim 33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,643,058. The Examiner rejected claim 33 under 35 U.S.C. § 102(b) as being anticipated by EP 0444 694 A.

Double Patenting

The Examiner rejected claim 33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,643,058.

In order to facilitate prosecution, Applicants submit that the terminal disclaimer filed with this response overcomes the rejection to claim 33 based on the judicially created doctrine of obviousness-type double patenting. Thus, Applicants respectfully request withdrawal of the double patenting rejection and allowance of the claim.

Claim Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claim 33 as being anticipated by EP 0444 694. In response, Applicants have amended claim 33.

As amended, claim 33 includes the limitations of combining the signal radiation, the first pump radiation and the second pump radiation in a fourth port of the coupling through a reversal of the direction of propagation of the first pump radiation from the first port to the fourth port. As set forth in the specification of the present application, "since the optical pumping unit of the invention uses a common coupling section with all of the above features for coupling pump and signal radiations, it eliminates the need of using distinct coupling sections for combining the pump radiations in a total pump radiation and the total pump radiation with the signal radiation".

EP 0444 694 does not teach combining the signal radiation, the first pump radiation and the second pump radiation simultaneously in a single step. In contrast, EP 0444 694 discloses coupling the first pumping beam P1 and the second pumping beam P2 to form a single pumping beam in a first step and then the combining the single pumping beam with a signal beam in a

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second step. (See EP 0444 694, col. 11, lines 2-18) EP 0444 694 therefore fails to teach each and every limitation of amended claim 33, and this failure precludes EP 0444 694 from anticipating amended claim 33. For these reasons, Applicants submit that amended claim 33 is in condition for allowance and respectfully requests withdrawal of the § 102(e) rejection of claim 33.

New Claims

New claims 34-53 have been added to claim aspects of the present invention. Applicants submit that no new matter has been added. Additionally, for similar reasons set forth above, EP 0444 694 fails to teach or disclose all the limitations of new claims 34-53. Applicants believe that new claims 34-53 are in condition for allowance and respectfully request the same.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed. If the Examiner has any questions, please contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,



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